

CHAPTER 19-03.3

CONTROLLED SUBSTANCES FOR CARE AND TREATMENT

19-03.3-01. Definitions. As used in this chapter, unless the context otherwise requires:

1. "Board" means the state board of medical examiners.
2. "Pain" means acute pain and chronic pain. Acute pain is the normal, predicted physiological response to a noxious chemical or thermal or mechanical stimulus and typically is associated with invasive procedures, trauma, or disease, and is generally time-limited. Chronic pain is a state that persists beyond the usual course of an acute disease or healing of an injury or that may or may not be associated with an acute or chronic pathologic process that causes continuous or intermittent pain over months or years.
3. "Physician" means a physician licensed by the board.

19-03.3-02. Prescription or administration of drugs by physician. Notwithstanding any other provision of law, a physician may prescribe or administer controlled substances to a patient in the course of the physician's treatment of the patient for pain. A physician shall keep records of purchases and disposals of controlled substances prescribed or administered under this section. The records must include the date of purchase, the date of sale or administration by the physician, the name and address of the patient, and the reason for the prescribing or the administering of the substances to the patient.

19-03.3-03. Restriction by hospital or health care facility of prescribed drug use prohibited. No hospital or health care facility may forbid or restrict the use of controlled substances when prescribed or administered by a physician having staff privileges at that hospital or health care facility for a patient diagnosed and treated by a physician for pain.

19-03.3-04. Disciplinary action for prescribing or administering drug treatment prohibited. The board may not discipline a physician for prescribing or administering controlled substances in the course of treatment of a patient for pain under this chapter.

19-03.3-05. Application. This chapter does not apply to a person being treated by a physician for chemical dependency because of the person's use of controlled substances not related to treatment for pain. This chapter does not authorize a physician to prescribe or administer any drug legally classified as a controlled substance or as an addictive or dangerous drug for other than medically accepted therapeutic purposes. A person to whom controlled substances are prescribed or administered for pain is not exempt from section 39-08-01 or 39-20-04.1.

19-03.3-06. Cancellation, revocation, or suspension of physician's license. This chapter does not limit the authority of the board to cancel, revoke, or suspend the license of any physician who:

1. Prescribes or administers a drug or treatment that is nontherapeutic in nature or nontherapeutic in the manner the drug or treatment is administered or prescribed.
2. Fails to keep complete and accurate records of purchases and disposals of controlled substances listed in chapter 19-03.1.
3. Writes false or fictitious prescriptions for controlled substances scheduled in chapter 19-03.1.